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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,712	03/28/2006	Masahiro Yuhara	ARGM123US	2253

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EXAMINER	
RUSH, ERIC	

ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
07/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/573,712	YUHARA, MASAHIRO	
	Examiner	Art Unit	
	ERIC RUSH	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 9-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 9-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 March 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This action is responsive to the amendment and remarks received on 26 March 2008. Claims 1-7 and 9-11 are currently pending.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tashiro Sozaburo JP-2003-226227-A in view of Aihara Hidenori and Hashimoto Junji JP-2003-237504-A.

- With regards to claim 1, Tashior Sozaburo teaches a biometric identity verification apparatus, comprising: imaging means for taking an image indicative of a person sitting on a specific seat of an automotive vehicle; (Sozaburo, Parargraph 0012, the camera module which picturizes the face image of the operator of a car) biometric identity information obtaining means for obtaining biometric identity information indicative of said person sitting on said specific seat from said image taken by said imaging means; (Sozaburo, Parargraph 0014) biometric identity information storing means for storing biometric identity information of at least one user who is

allowed to utilize said automotive vehicle; (Sozaburo, Pargraph 0014, moreover, the camera module controller compares the face image data memorized beforehand and the face image data picturized by the camera module with a storage means) and judging means for verifying said biometric identity information obtained by said biometric identity information obtaining means on the basis of said biometric identity information stored by said biometric identity information storing means to judge whether or not said person sitting on said specific seat is identical to said user who is allowed to utilize said automotive vehicle. (Sozaburo, Pargraph 0014 and Paragraph 0021) Sozaburo fails to teach seat position information storing means for storing position information indicative of a position of said specific seat with respect to said automotive vehicle; and seat shifting means for shifting said specific seat to a position based on said position information; wherein the image is taken after said specific seat is shifted to said position. Hidenori et al. teach seat position information storing means for storing position information indicative of a position of said specific seat with respect to said automotive vehicle; (Hidenori et al., Paragraph 0009 and 0052) and seat shifting means for shifting said specific seat to a position based on said position information; (Hidenori et al. Paragraphs 0052 – 0056) wherein the image is taken after said specific seat is shifted to said position. (Hidenori et al., Paragraph 0056, see Response to Arguments section for further discussion)

(Hidenori et al., Paragraph 0009 and 0052) It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Sozaburo to include the teachings to Hidenori et al. This modification would have been prompted in order to include additional known features of automatic individualized operator setting adjustment to the apparatus of Sozaburo. Hidenori et al. use a driver license scanner to obtain the stored adjustment settings but one of ordinary skill in the art would be able to realize the well known alternative of biometrics without undue experimentation and with a reasonable outcome of success.

- With regards to claim 2, Sozaburo in view of Hidenori et al. teach a biometric identity verification apparatus as set forth in claim 1. Sozaburo fails to teach an apparatus which further comprises seat position information registering means for registering in said seat position information storing means said position information indicative of the current position of said specific seat with respect to said automotive vehicle. Hidenori et al. teaches an apparatus which further comprises seat position information registering means for registering in said seat position information storing means said position information indicative of the current position of said specific seat with respect to said automotive vehicle. (Hidenori et al., Paragraph 0009 – 0010, whenever manual actuation of the location of a car equipment device, an include angle, or a

drive position is performed by each operator, it is the control unit of the car function characterized by including the stored data setting-out means made to set up as data of an operator storage means to memorize this content of actuation about this operator.)

- With regards to claim 3, Sozaburo in view of Hidenori et al. teach a biometric identity verification apparatus as set forth in claim 1. Sozaburo teaches in which said imaging means is operative to take an image indicative of the face of said person sitting on said specific seat. (Sozaburo, Paragraph 0007)

- With regards to claim 4, Sozaburo in view of Hidenori et al. teach a biometric identity verification apparatus as set forth in claim 1. Sozaburo teaches in which said imaging means is operative to take an image indicative of one or two irises of said person sitting on said specific seat. (Sozaburo, Pargaraph 0007)

- With regards to claim 5, Sozaburo in view of Hidenori et al. teach a biometric identity verification apparatus as set forth in claim 1. Sozaburo teaches an apparatus which further comprises an in-vehicle apparatus immobilizing means to be operative in combination with at least one in-vehicle apparatus, (Sozaburo, Paragraph 0021, engine start-up prohibition

command) in which said judging means is operative to verify said biometric identity information obtained by said biometric identity information obtaining means to judge whether or not said person sitting on said specific seat is identical to said user who is allowed to utilize said in-vehicle apparatus, and in which said in-vehicle apparatus immobilizing means is operative to immobilize said in-vehicle apparatus to prevent said in-vehicle apparatus from being utilized by said person sitting on said specific seat when the judgment is made that said person sitting on said specific seat is not identical to said user who is allowed to utilize said in-vehicle apparatus. (Sozaburo, Paragraph 0020 - 0021)

- With regards to claim 6, Sozaburo in view of Hidenori et al. teach a biometric identity verification apparatus as set forth in claim 5. Sozaburo teaches in which said in-vehicle apparatus is constituted by an engine activating apparatus for activating the engine of said automotive vehicle. (Sozaburo, Pargraph 0021, And when the affirmative judgement is carried out, those who have advanced into the vehicle interior of a room judge that he is the registrant of normal, perform an engine start-up command)

- With regards to claim 7, Sozaburo in view of Hidenori et al. teach a biometric identity verification apparatus as set forth in claim 1. Sozaburo fails to teach an apparatus in which said seat position information storing

means is operative to store seat-position-in-moving-vehicle information indicative of said position to be occupied in moving vehicle by said specific seat, to be defined with respect to said automotive vehicle, said position of said specific seat depending on said user who is allowed to utilize said automotive vehicle, and in which said seat shifting means is operative to shift said specific seat to said position represented by said seat-position-in-moving-vehicle information stored by said seat position information storing means when the judgment is made that said person sitting on said specific seat is identical to said user who is allowed to utilize said automotive vehicle. Hidenori et al. teach an apparatus in which said seat position information storing means is operative to store seat-position-in-moving-vehicle information indicative of said position to be occupied in moving vehicle by said specific seat, to be defined with respect to said automotive vehicle, (Hidenori et al., Paragraph 0009 and paragraph 0050 - 0053) said position of said specific seat depending on said user who is allowed to utilize said automotive vehicle, (Hidenori et al., Paragraph 0050 - 0053) and in which said seat shifting means is operative to shift said specific seat to said position represented by said seat-position-in-moving-vehicle information stored by said seat position information storing means when the judgment is made that said person sitting on said specific seat is identical to said user who is allowed to utilize said automotive vehicle. (Hidenori et al., Paragraph 0050- 0053, 0059)

- With regards to claim 9, Sozaburo in view of Hidenori et al. teach a biometric identity verification apparatus as set forth in claim 11. Sozaburo fails to teach an apparatus which further comprises steering wheel position judging means for judging whether or not said position of said steering wheel is within said predetermined range in position, or whether or not said direction of said steering wheel is within said predetermined range in direction, and in which said steering wheel position adjusting means is operative to shift the steering wheel of said automotive vehicle to said position to be within said predetermined range in position, or said direction to be within said predetermined range in direction when the judgment is made that said position of said steering wheel is not within said predetermined range in position, or the judgment is made that said direction of said steering wheel is not within said predetermined range in direction. Hidenori et al. teach an apparatus which further comprises steering wheel position judging means for judging whether or not said position of said steering wheel is within said predetermined range in position, or whether or not said direction of said steering wheel is within said predetermined range in direction, (Hidenori et al., Paragraph 0052 step a4 and paragraph 0056) and in which said steering wheel position adjusting means is operative to shift the steering wheel of said automotive vehicle to said position to be within said predetermined range in position,

or said direction to be within said predetermined range in direction when the judgment is made that said position of said steering wheel is not within said predetermined range in position, or the judgment is made that said direction of said steering wheel is not within said predetermined range in direction. (Hidenori et al., Paragraph 0052 step a4 and paragraph 0056, when the vehicle is disabled the steering wheel and the seat is moved out of the way so the operator may exit, and when the vehicle is started and operator judgment is verified the steering wheel and seat are returned to the stored positions, therefor it is known what ranges and angles the seat and wheel are in prior to adjustment since they are returned to a known position when the vehicle is at 0 mph and the driver's door is opened.)

- With regards to claim 10, Sozaburo in view of Hidenori et al. teach an automotive vehicle comprising a biometric identity verification apparatus as set forth in claim 1. (See Claim 1)

- With regards to claim 11, Sozaburo in view of Hidenori et al. teach a biometric identity verification apparatus as set forth in claim 1. Sozabuor fail to teach the apparatus further comprising steering wheel shifting means for shifting a steering wheel of said automotive vehicle to a position to be within a predetermined range in position, or a direction to be within a predetermined range in direction, the predetermined range being a range

such that the steering wheel does not interrupt the image. Hidenori et al. teach an apparatus further comprising steering wheel shifting means for shifting a steering wheel of said automotive vehicle to a position to be within a predetermined range in position, (Hidenori et al., Paragraphs 0052 – 0056) or a direction to be within a predetermined range in direction, the predetermined range being a range such that the steering wheel does not interrupt the image. (Hidenori et al., Paragraph 0052 step a4 and paragraph 0056, when the vehicle is disabled the steering wheel is moved out of the way so the operator may exit, and when the vehicle is started and operator judgment is verified the steering wheel and seat are returned to the stored positions, therefor it is known what ranges and angles the seat and wheel are in prior to adjustment since they are returned to a known position and implicitly the steering wheel is moved out of the way of the camera's view or else verification would not be able to properly commence)

Response to Arguments

3. Applicant's arguments filed 3/26/2008 have been fully considered but they are not persuasive. On pages 7 and 8 of the remarks, Applicant's Representative argues that neither Sozaburo nor Hidenori disclose taking an image after vehicle adjustments are made. The Examiner respectfully disagrees and asserts that Hidenori discloses a system and method wherein an image is taken after the seat is shifted to a specific

position. In paragraph 0056, Hidenori discloses adjusting the seat to a retreated position in order for the driver to get out of car easily; the seat is than left in that position until the system is used again. This disclosure is the same as shifting the seat based on position information (the retreated position) in order for it to be in said location for the next occupant, where then an image may be taken of the operator utilizing the known seat position before adjusting the seat to that operator's specific settings.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC RUSH whose telephone number is (571)270-3017. The examiner can normally be reached on 7:30AM - 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on (571) 272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ER

/Samir A. Ahmed/
Supervisory Patent Examiner, Art Unit 2624